

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

CHARLES E. GARNER

PLAINTIFF

VS.

CAUSE NO. 5:08-cv-00196-KS-MTP

LIFE INSURANCE COMPANY  
OF NORTH AMERICA

DEFENDANT

FINAL JUDGMENT OF DISMISSAL WITH PREJUDICE

THIS CAUSE came on to be heard on the *ore tenus* Motion of the Plaintiff, Charles E. Garner, through counsel, joined by the Defendant Life Insurance Company of North America, through counsel, for the entry of a Final Judgment dismissing this action, the Complaint filed herein, and all claims and causes of action that were or that could have been but were not asserted herein with prejudice, and with each party to bear their own costs of court, and the Court, after having heard and considered said Motion, being advised that the parties have entered into and consummated an agreement of accord and satisfaction, and otherwise being fully advised in the premises, finds that the Motion is well taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this action, the Complaint filed herein, and all claims and causes of action that were or that could have been but

were not asserted in this action should be and are hereby dismissed, with prejudice, and with the parties to bear their own costs of court.

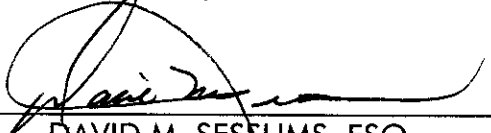
SO ORDERED AND ADJUDGED this the <sup>21<sup>st</sup></sup> day of January, 2009.

  
UNITED STATES DISTRICT JUDGE

APPROVED AND AGREED:

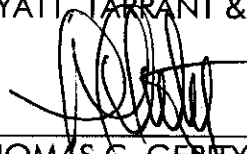
CHARLES E. GARNER

By: VARNER, PARKER AND SESSUMS, P.A.  
His Attorneys

By:   
DAVID M. SESSUMS, ESQ.

LIFE INSURANCE COMPANY OF NORTH AMERICA

By: WYATT, TARRANT & COMBS, LLP

By:   
THOMAS C. GERTY, MSB #4799

35119591.1  
1/7/2009 3:02 PM